

AMENDMENTS TO THE DRAWINGS

Corrected drawing sheets for FIGS. 1-6, 8, 10, 11, 12, 21-24, 27, and 31 are enclosed.
These figures have been amended to overcome the objections raised by the Examiner.

Attached are (10) pages of replacement drawing sheets.

REMARKS

This is in response to the Non-Final Office Action dated January 30, 2008.
Reconsideration of this application is respectfully requested.

Status of the Claims

Claims 8, 10, 11, 15-17, 19, 20, 22 and 23 were previously restricted by the Examiner and withdrawn from consideration.

Claim 2 - 5 were previously canceled.

Claim 18 is canceled without prejudice or disclaimer, and claims 1, 6, 7, 21, 24 and 25 are amended without the introduction of new matter. Support for the amendments may be found, for example, with reference to Applicants' originally filed specification of November 10, 2003 at page 5, lines 19 and 20, page 26, line 27 through page 27, line 12 and with reference to Applicants' FIG. 14B.

Claims 1, 17, and 19-25 are presently pending.

Specification

The substitute specification, including the abstract, filed November 14, 2007 has been found to be non-compliant with 37 C.F.R. 1.121, and has not been entered. As a result, the Examiner maintains certain previously-raised objections to the specification regarding informalities. Applicants provide a revised substitute specification, including "marked-up" and "clean copies," which are believed to be compliant with 37 C.F.R. 1.121 and which address the informalities. Applicants respectfully request, on this basis, that the substitute specification be entered and that the objections to the specification be withdrawn.

Drawings


The drawings are objected to for substantially the same reasons as first identified in an Office Action mailed August 8, 2005. Together with a Response to Office Action mailed November 8, 2005, replacement sheets for FIGs. 1 - 12, 20, 21, 27, 28 and 31 were provided to address the drawing objections. These replacement drawings were apparently accepted, as the Examiner found certain elements of the drawings to be unsupported by the original specification. Applicants re-submit replacement sheets for FIGs. 1 - 12, 20, 21, 27, 28 and 31, which are believed to be adequately supported by the revised substitute specification. Applicants therefore respectfully request that the replacement sheets be accepted, and that the objection to the drawings be withdrawn.

Claim Objections

The Examiner objects to claims 1, 6, 7, 9, 12 - 14, 18, 21, 24 and 25 regarding certain informalities. As claim 18 has been canceled without prejudice or disclaimer, the objection as to claim 18 is moot. Applicants amend claims 1, 6, 7, 21, 24 and 25 to address the informalities. With reference to claim 21, Applicants note that the term “-expect” as introduced in the Preliminary Amendment of November 14, 2007 was intended to delete a space preceding the term “expect” by strikethrough, and more clearly make this intended amendment in the present Response by using double brackets. Applicants therefore respectfully request that the objection to claims 1, 6, 7, 9, 12 - 14, 21, 24 and 25 be withdrawn.

Claim Rejections - 35 USC § 112

Claims 7, 24 and 25 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner finds that the percentage values claimed in claim 7 to describe locations of the cavity opening and the finger restriction portion are not adequately supported by the specification. A structure for the claimed finger insertion portion is generally described (*i.e.*, described in reference to all embodiments of the invention) at page 21, line 19 through page 24, line 24 of the originally filed specification of

{W:\20050\0200479-us0\01520705.DOC / }

November 10, 2003. For example, at page 23, lines 19 - 22, Applicants indicate that a preferred arrangement of the interlabial pad places “the finger insertion opening 7 [] at the position of 40% from the front end of the interlabial pad, [and places] the finger insertion restriction portion 8 [] at the position of 90% from the front end of the interlabial pad.” This description matches the percentage values claimed in claim 7, and proceeds without any apparent restriction regarding the overall length of the interlabial pad. Applicants submit therefore that the specification provides adequate support for these elements of claim 7.

With reference to claims 24 and 25, the Examiner notes that these claims claim specific ranges of longitudinal lengths that are supported by the specification, but questions whether the disclosed ranges are supported for all embodiments of the invention. Applicants submit that the ranges are disclosed in a section of the specification entitled “Dimension of the interlabial pad,” which generally describes these inventions (see, *e.g.*, page 29, line 17 through page 30, line 16 of the originally filed specification). As no particular limitations are disclosed restricting any portions of the ranges to any particular embodiments of the invention, Applicants submit that values within the disclosed ranges must be suitable for any of the disclosed embodiments of the invention. Applicants therefore submit that the specification provides adequate support for these elements of claims 24 and 25.

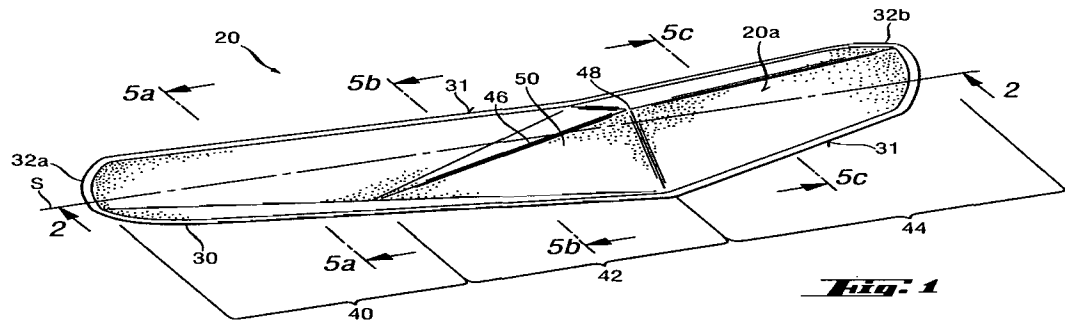
Accordingly, Applicants respectfully request that the rejection of claims 7, 24 and 25 under 35 U.S.C. § 112, first paragraph be withdrawn.

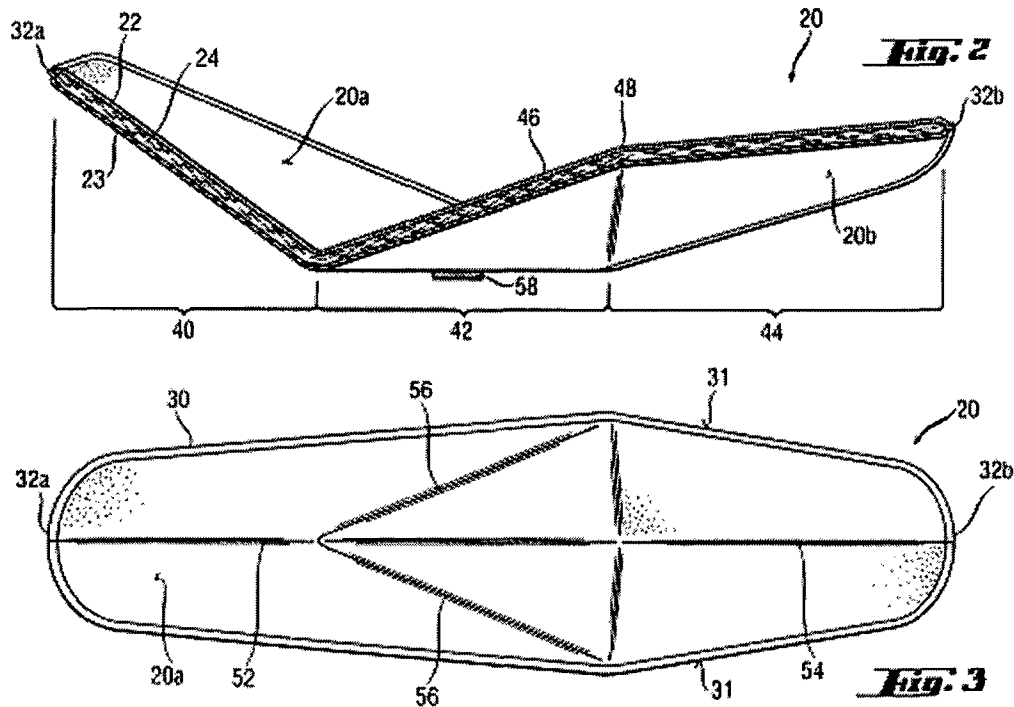
Claim Rejections - 35 USC §§ 102, 103

Claims 1, 6-7, 9, 12-14, 18 and 21 are rejected under 35 U.S.C. § 102(b) as being anticipated by International Patent Publication No. WO 99/01093 to Wierlacher. Claims 24-25 are rejected under 35 U.S.C. § 102(b) as being anticipated by Wierlacher or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Wierlacher. As claim 18 has been canceled without prejudice or

In a Preliminary Amendment filed on November 14, 2007, Applicants made the following arguments with regard to independent claim 1 and Wierlacher:

Wierlacher discloses a disposable absorbent article having a handling aid (see, e.g., abstract of Wierlacher). The Examiner suggests that Wierlacher's absorbent article discloses Applicants' claimed cavity as defined by ridge 50 and portions 46, 48 and 50 - 56 in FIGs. 1 - 3, and Applicants' claimed mini-sheet as element 58 of Wierlacher's FIG. 2. The Examiner also suggests that Applicants' claimed finger restriction portion is disclosed by Wierlacher's absorbent article adjacent to Wierlacher's portion 48, and that Applicants' claimed fold corresponds to bending lines of Wierlacher's ridge 50. Applicants respectfully disagree with this characterization:





First, in contrast to Applicants' interlabial pad as claimed in amended independent claim 1, Wierlacher's "finger restriction portion" adjacent to portion 48 is not located at an edge at an end along a longitudinal direction of the interlabial pad. Rather, portion 48 and facing portions 46 and 50 are located within a middle portion 42 of Wierlacher's absorbent article. Applicant [sic] also submit that Wierlacher's fold formed along portion 50 fails to include a first planar portion at one side of portion 50 and a second planar portion at another side of portion 50 that are substantially parallel to one another. Rather, the facing portions on either side of Wierlacher's portion 50 are oriented at an acute angle to each other.

In addition, Applicants submit that Wierlacher's portion 50 fails to define a protruding portion as claimed by Applicants that extends in the longitudinal direction from a first edge of the interlabial pad in the longitudinal direction to a second, opposing edge along the longitudinal direction. Rather, portion 50 defines a protruding portion that is confined to the middle portion 42 of Wierlacher's absorbent article. Finally, Applicants submit that Wierlacher's element 58 fails to meet the elements claimed for Applicants' mini-sheet, which extends from the second edge of the interlabial pad to an intermediate position along the longitudinal direction between the first and second edges of the

interlabial pad. Wierlacher's element 58 extends only a short distance along the interior of Wierlacher's longitudinal direction, and does not extend to a longitudinal end of Wierlacher's absorbent article.

The Examiner suggests that these arguments are narrower than the language included in the claims. Specifically, the Examiner suggests that the claimed first and second edges need not be located at "terminal longitudinal ends of the pad." Applicants amend claim 1 to specify that the claimed first and second edges are located "at opposing ends and along a longitudinal centerline extending in a longitudinal direction of the interlabial pad" (emphasis added). As amended, the first and second edges are clearly located at terminal ends of the pad as defined by the longitudinal centerline. Accordingly, Applicants reapply their previous arguments that Wierlacher's element 58 as depicted in FIG. 2 fails to anticipate Applicants' mini-sheet that extends between the first and second edges for a length of between 50% and 80% of the length of the longitudinal centerline (see, e.g., element 58 in FIG. 2 of Wierlacher). Applicants further note that Wierlacher teaches that it is preferable that the handling aid delimited by element 58 extend "over less than 10% of [the] length [of the absorbent article]" (emphasis added).

Applicants also again argue that Wierlacher fails to disclose Applicants' finger restriction portion that is near the second edge of the interlabial pad. While Applicants acknowledge that the term "near" is a relative term, Applicants nevertheless submit that the Wierlacher's device effectively restricts finger insertion to a point adjacent to Wierlacher's portion 48, which is located inwardly more than a third of distance along a longitudinal centerline of Wierlacher's absorbent article. Applicants therefore submit that Wierlacher cannot be considered to have a finger restriction portion (portion 48) that is located near to a second edge of the article, where that second edge is located at an end of the longitudinal centerline.

Applicants also submit that Wierlacher fails to teach or suggest Applicants' claimed first and second planar portions of the opposing face that are "substantially planar to one another." The Examiner suggests that the surfaces 20a and 20b of Wierlacher read on Applicants' first and second

portions. Applicants respectfully disagree. Wierlacher neither describes nor suggests any geometrical relationship between the surfaces 20a and 20b that indicates parallelism. Moreover, Applicants submit that it cannot be said that each of surfaces 20a and 20b are positioned at sides of a protruding portion of the article. The Examiner suggests that surfaces 20a and 20b are located at the sides of ridge 50. However, surfaces 20a and 20b cannot together be said to each be on a side of a protruding portion of ridge 50. For example, if surface 20a is considered to be on one side of a protruding portion of ridge 50, Applicants submit that that surface 20b must be considered to be on a side of another sunken or concave portion of ridge 50. Conversely, if surface 20b is considered to be on one side of a protruding portion of ridge 50, Applicants submit that that surface 20a must be considered to be on a side of another sunken or concave portion of ridge 50. In either case, both of surfaces 20a and 20b cannot be said to be on sides of a single, common “protruding portion” of ridge 50.

For at least the above-argued reasons, Applicants submit therefore that amended independent claim 1 is neither anticipated nor made obvious by Wierlacher, and stands in condition for allowance. As claims 6, 7, 9, 12 - 14 and 21 each depend from allowable independent claim 1, Applicants submit that dependent claims 6, 7, 9, 12 - 14 and 21 are also allowable for at least this reason.

CONCLUSION

It is respectfully submitted that each of the presently pending claims are in condition for allowance and notification to that effect is requested. Examiner is invited to contact the Applicants' representative at the below-listed telephone number if it is believed that the prosecution of this application may be assisted thereby.

Dated: May 5, 2008

Respectfully submitted,

By 
Louis J. DelJuidice

Registration No.: 47,522
DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant

Attachments: Appendix with clean and marked-up Specifications and Replacement Figures

Application No. 10/706,303
Amendment dated May 5, 2008
Reply to Non-Final Office Action of January 30, 2008

Docket No.: 20050/0200479-US0

APPENDIX FOLLOWS:

CLEAN AND MARKED-UP SPECIFICATIONS, AND REPLACEMENT FIGURES